

SECTION: CERTIFICATION

SUBJECT: National Voter Registration Act (NVRA)

ITEM: *Guidelines for Implementing NVRA*



Policy A local agency is required to implement the provisions of the National Voter Registration Act (NVRA) that pertain to public assistance offices. The NVRA requires local agencies to notify applicants and participants of the availability of mail voter registration services and provide assistance if requested.

Basis for policy 11CFR Part 8, Elections Code Sections 2150 and 14311.

Note: See Appendix 910-30 and 910-40

Implementation The NVRA requires that voter registration services be offered to each adult applicant/participant when they:

1. enroll
2. recertify, or
3. change their address

A local agency must provide the mail voter registration form to the general public on request if they enter a WIC clinic and request to register to vote.

Required materials Local agencies will need the following materials for implementing NVRA:

1. The "Application To Register To Vote/Declination Form" (Application/Declination) is used to inform a participant of their voter registration rights and obligations and to indicate the participant's desire to register to vote.
 2. The "Mail Voter Registration Form" is used by the participant to register to vote. The Application/Declination form is available in the following languages: English, Spanish, Chinese, Japanese, Tagalog, and Vietnamese. It is anticipated these additional languages will be available: Russian, Laotian, Hmong, Cambodian, and Romanian
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**Distribution of
"application/
declination
form" and
"voter
registration
form"**

1. Local agencies will obtain forms and materials necessary for the voter registration process from their local voter registration and election office.
 2. To ensure confidentiality, local agencies will use only the standard mail voter registration forms.
 3. Local agencies will distribute the Application/Declination form to each adult WIC participant/applicant at certification or recertification appointments and whenever a change of address is filed.
 4. The signed Application/Declination form will indicate a participant's/applicant's desire/declination to register to vote and must be retained by the local WIC agency for at least two years. The Application/Declination forms shall be kept separate from a participant's/applicant's file.
 5. If the participant/applicant indicates on the Application/Declination form that he/she wants to register to vote, a mail voter registration form shall be provided to the participant/applicant.
 6. Benefits may not be linked in any way to the applicant's decision to register or to not register to vote.
 7. Each local agency shall post a sign, within the WIC clinic, indicating the availability of voter registration services.
 8. Local agencies shall distribute a notice to each participant/applicant that includes the following information: (1) assistance will be provided, if requested, (2) she/he has the right to complete forms without assistance, (3) failure to register to vote will result as a declination to register, (4) a voter's decision whether or not to register to vote will not affect their eligibility for benefits, and (5) should a voter feel someone has interfered with their right to vote, the voter may contact the Secretary of State, 1500 11th Street, Sacramento, CA 95814, Telephone: 1-800-345-VOTE.
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Participant assistance

If a participant/applicant requests assistance in completing the required forms, local agency staff must help the participant/applicant complete the mail voter registration form. Staff should refrain from interpreting election terms or rules. Such questions are most appropriately referred to those with expertise in this area--the local voter registration and election office or the Secretary of State's toll free phone number, 800-345-VOTE. Local agencies may seek on-site assistance from (a) League of Women Voters or other volunteers and/or (b) staff from local voter registration and election office in developing this assistance.

Processing necessary forms

If the participant/applicant requests the local agency staff to transmit the mail voter registration form to the appropriate voter registration and election office, then the local agency staff shall follow the following procedures:

1. The local agency staff will transmit the voter registration form to the appropriate voter registration or election office by placing it in the mail within 5 days after the day of the request and presentation of the form to the agency.
 2. If the voter registration application is presented to the local agency within five days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate voter registration and election office no later than five days after the date of acceptance.
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Reporting requirements

Local agencies are not required to make reports under NVRA. Local voter registration and election officials may request your assistance with their reporting requirements. Local agencies shall make available the retained application/declination materials to an appropriate election official or auditor upon request, and shall keep the materials in a designated file separate from applicant/participant files so they may be available for this purpose. The local agency must retain the application/declination materials for at least two years.

Confidentiality and other requirements

1. Local agencies shall handle all voter registration information in a confidential manner.
2. Local agencies shall not discriminate nor discourage participants/applicants from registering to vote according to federal requirements.

3. Local agencies must ensure confidentiality of any voter information received from participants/applicants. It is suggested that the voter information materials be kept in the same confidential manner as the applicant/participant files.
4. The general public may come to a local agency to register to vote. The local agency must make available the mail voter registration form and accept them for mailing to the appropriate voter registration and election office.

Criminal penalties

Any person may be fined and/or imprisoned for up to five years if they do or attempt to do any of the following: intimidate, threaten, or coerce a person(s) who (1) is registering to vote, (2) is voting, or (3) attempting to register to vote.
